

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

John Lige,

Plaintiff

V.

Clark County, a political subdivision of the State of Nevada, et al.

Defendants

2:16-cv-00603-JAD-PAL

Order Denying Motions and Vacating Hearing

[#17, 18]

Defendant Service Employees international Union, Local 1107 moved to dismiss this action on May 2, 2016,¹ and defendant Clark County joined in those motions to dismiss.² Three weeks later, plaintiff filed an amended complaint.³ In plaintiff's opposition to the motion to dismiss, he argues only that the filing of the amended complaint mooted the motions to dismiss;⁴ the time to reply has passed, and defendants filed none.

16 Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure permits parties to amend their
17 complaints once as a matter of course within 21 days of a motion to dismiss.⁵ Plaintiff's amended
18 complaint was timely filed as of right. Once filed, an amended pleading supersedes the original
19 pleading in its entirety, mooting a motion to dismiss the original pleading.⁶

Because the filing of plaintiff's amended complaint has mooted the pending motions to

22 | ¹ ECF No. 17, 18.

23 | ² ECF No. 22, 23.

24 || ³ ECE No. 26

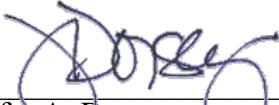
25 || ⁴ECE No. 28

26 || ⁵ Fed. R. Civ. R. 15(c)(1)(B)

²⁷ See *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (overruled on other grounds in *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012)).

1 dismiss, IT IS HEREBY ORDERED THAT the defendants' motions to dismiss [Doc. 17, 18] are
2 **DENIED** as moot and without prejudice. **The June 14, 2016, hearing on those motions [ECF No.**
3 **20] is VACATED.**

4 Dated this 9th day of June, 2016.



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6 Jennifer A. Dorsey
7 United States District Judge
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